
State Water Resources Control Board

STATUS CONFERENCE ORDER AND NOTICE OF PRE-HEARING CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
will hold a Pre-Hearing Conference
regarding the Draft Cease and Desist Orders
that were issued to the following people and entities on the following dates:

Eddie Vierra Farms, December 28, 2009
George Speckman Testamentary Trust, January 4, 2010
Loren and Dolores Ohm, January 13, 2010

The Pre-Hearing Conference will commence on
July 1, 2020, at 9:30 am
and will be held by telephone conference

BACKGROUND

On April 17, 2020, the State Water Resources Control Board (“State Water Board” or “Board”), Administrative Hearings Office (“AHO”), held a status conference regarding the Draft Cease and Desist Orders (“Draft CDOs”) the State Water Board’s Division of Water Rights issued to Eddie Vierra Farms, Loren and Dolores Ohm and the George Speckman Testamentary Trust on the dates in 2009 and 2010 that are listed above.

These Draft CDOs and the assignments of the proceedings regarding these Draft CDOs to the AHO are described in the AHO’s March 11, 2020 Notice of Status Conference. That notice also lists the issues that were discussed during the April 17 status conference. During the status conference, the parties’ attorneys said that they would exchange various documents regarding the Draft CDOs and discuss the current pending issues and the potential effects of the anticipated decision of the California Court of Appeal for the Third Appellate District in *Modesto Irrigation District v. Tanaka*, No. C083430 on the Draft CDOs. The court issued its decision in this case on May 7, 2020 and certified it for publication.

Now that the court has issued this decision and the parties’ attorneys have had opportunities to review it, exchange documents and discuss the currently pending issues and the effect of the court’s decision on the Draft CDOs, the AHO is issuing this status conference order and notice of pre-hearing conference.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

STATUS CONFERENCE ORDER

The AHO directs the parties to take the following actions by the following deadlines:

June 12, 2020, 4:00 pm: On or before this deadline, the Division of Water/Office of the Delta Watermaster – Prosecution Team shall, separately for each of these three matters, either file and serve an amended Draft CDO or advise the AHO and interested parties that the Prosecution Team no longer is seeking a Final CDO.

June 26, 2020, 4:00 pm: On or before this deadline, the parties shall file either joint or separate pre-hearing conference statements for each matter that address the following questions:

- (1) What is the status of the parties' discussions of, and potential narrowing of, the pending issues?
- (2) What is the status of the parties' exchanges of relevant documents?
- (3) Will the parties be filing a stipulated set of exhibits for the hearing?
- (4) Is it appropriate to have staggered exhibit filing deadlines (with the Prosecution Team's exhibits being due before the Respondent's exhibits)?
- (5) How many hearing days will be needed?
- (6) What is an appropriate schedule for the filing and service of exhibits and the hearing?

The AHO intends to hold a separate hearing in each of these matters, with a separate schedule for filing exhibits. For this reason, the AHO requests a separate joint pre-hearing conference statement or separate pre-hearing conference statements for each matter for which the Prosecution Team still is seeking a Final CDO. To avoid unnecessary duplications, the AHO encourages the parties to file a joint pre-hearing conference statement for each matter.

PRE-HEARING CONFERENCE

The AHO will hold a pre-hearing conference in these matters on July 1, 2020, beginning at 9:30 am. The AHO will circulate and post information regarding how to participate in this conference before the date of the conference.

During the pre-hearing conference, the AHO Hearing Officer will discuss the above issues and the appropriate hearing issues and develop schedules for the filing and service of exhibits and the hearings. The potential hearing dates for these matters are September 11, 14 and 21, October 15, 19 and 30 and November 4, 6, 13, 16 and 19.

Date: May 15, 2020

/s/ ALAN B. LILLY
Alan B. Lilly
Presiding Hearing Officer

Enclosure: Service List

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